

BUNCOMBE COUNTY BOARD OF ELECTIONS HEARING

BUNCOMBE COUNTY BOARD OF ELECTIONS
77 MCDOWELL STREET
ASHEVILLE, NORTH CAROLINA 28801

TUESDAY, NOVEMBER 10, 2015

9:00 A.M.

BOARD MEMBERS:

JOHN JAY WATSON, CHAIRMAN
LUCY SMITH, SECRETARY
GEORGE KELLER

ATTENDING:

TRENA PARKER - DIRECTOR OF ELECTIONS

REPORTED BY: BARBIE M. LANE, CCR, CVR-M
ASHEVILLE REPORTING SERVICE

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P R O C E E D I N G

10 NOVEMBER 2015

9:00 A.M.

BY MR. WATSON:

Good morning everyone, it's nine o'clock, we'll go on the record. I'll call the hearing to order at nine o'clock on November 10th for challenges that have been submitted to the Board of Elections. I know some of you were here at the first hearing that we had. Let me review a few things. First of all, this Board will be proceeding as we're sitting now as a quasi-judicial body. This is not an open meeting. This is not some meeting where you just raise your hand and start speaking. This is a hearing so please respect that. Also, we understand that folks own property in Montreat, some of it's been there in the family for years. They have vested interest in Montreat. Please understand that, in and of itself, is not sufficient to entitle someone to vote in Montreat. The laws in our supreme court for years have set out some guidelines and it's not merely taking an oath that you're a U.S. citizen and not a felon, and those things that have been submitted in

1 some of the affidavits previously. What we're
2 looking for is to see where is your domicile.
3 By that, domicile and residence aren't
4 necessarily interchangeable for voting
5 purposes. Domicile is that place that you
6 call home, spend your time. Think of it as
7 where would you have most of your family
8 pictures, things that are part of your day-to-
9 day life. Where's your driver's license
10 registered to. Where do you put on your tax
11 returns for your home, things like that.
12 Reading a few things here from our supreme
13 court, to establish a change in domicile, I
14 think that's relevant here because at least
15 based on some of the information we've
16 received, there's long voting history, long
17 residential history in other places than
18 Montreat for some of you, and now different
19 ones are claiming well, yeah, I understand
20 that but we just recently moved to Montreat.
21 Well, to establish a change in domicile a
22 person must show an actual abandonment of the
23 first domicile, coupled with an intention not
24 to return to it. The acquisition of a new
25 domicile by actual residence and the intent of

1 making the new residence a permanent home.
2 And I don't mean in the future. I know some
3 folks think well, we're going to retire there
4 someday. Someday when you do retire there,
5 that is your domicile, great, vote. But if
6 that is not currently where you are, your
7 domicile, place that you return to regularly,
8 when business or other matters may take you
9 away, this is where you always come back to as
10 home. Not vacation place, not someplace you
11 might come on a regular basis just for other
12 purposes or to get away, but home. That's
13 what we're looking for. Those are things
14 we're looking for. And if it's not that, then
15 here's an opportunity to say I misunderstood.
16 I was under a different impression. Some have
17 communicated to us. In fact, there was a call
18 this morning into this office. I didn't take
19 it but our director did, from someone who said
20 well, our family's owned this house in
21 Montreat for years and I come up there in the
22 summer and I visit there from time to time for
23 holidays. It's not just do you have an
24 interest in the place. Think about people who
25 own businesses in another county or businesses

1 in another city. Their biggest investment may
2 be somewhere other than where their domicile
3 is. That doesn't necessarily give them the
4 right to go and vote over there. You can have
5 interests elsewhere. You can have a vested
6 interest in a community by property ownership,
7 business, many other things. That doesn't
8 necessarily give you a right to vote there.
9 As far as this Board is concerned, and I want
10 to be very clear about this too, we don't know
11 how you registered. The information that we
12 received, before the Board received it we
13 asked the staff to go through and redact any
14 reference to party affiliation. So we don't
15 know what your party affiliation is. We don't
16 know how you voted in the last election. We
17 don't know who your favorite candidates are or
18 who you support. We don't want to know.
19 Please do not reference any of that in any of
20 your comments. We have asked the staff to
21 take any of that information out of our files.
22 We have not engaged in conversations along
23 those lines, and we don't want to know.
24 That's not relevant to what we're looking at.
25 What we're looking at is only to see what is

1 your domicile, where's those places that you
2 call home. We have 11 challenges here today.
3 I'd to like to see how many people actually
4 challenged are here? Four. Anyone here as a
5 representative of people that have been
6 challenged?

7 BY MR. STRONG:

8 Mr. Chairman, I'm Bill Strong from Montreat,
9 and I am here to represent as the case may be
10 needed the folks who are here. But they are
11 all prepared to testify, themselves.

12 BY MR. WATSON:

13 Okay. Mr. Strong, let me ask you, are you an
14 attorney representing them?

15 BY MR. STRONG:

16 No.

17 BY MR. WATSON:

18 I appreciate you clarifying that. Folks, the
19 statute says it's actually mandatory that a
20 challenge, a registered voter shall appear.
21 If unable, then they may send a
22 representative.

23 BY MR. STRONG:

24 Let me just clarify. I am a retired attorney
25 but ---

1 BY MR. WATSON:

2 Were you challenged before?

3 BY MR. STRONG:

4 No.

5 BY MR. WATSON:

6 I'm trying to remember the name. We had a
7 couple of retired attorneys.

8 BY MR. STRONG:

9 Right but ---

10 BY MR. WATSON:

11 You're not here in that capacity.

12 BY MR. STRONG:

13 No.

14 BY MR. WATSON:

15 So folks, if you are here we would like to
16 hear from you. We're going to be looking at
17 what we would consider objective criteria,
18 things that would tend to establish where your
19 domicile is. And with that, if there's anyone
20 here who says okay, now it's clear, I
21 understand; I misunderstood before. I thought
22 because I own property there, that was enough
23 and I could vote. Anybody who wants to say
24 gee, sorry, that was a mistake, fine, now is a
25 good time to do it. Again let me say, what

1 I'm about to say next I truly am not saying
2 this, and I don't think anyone on the Board
3 here would have the intent of threatening
4 anyone or making anyone feel uncomfortable.
5 But we do want to let you know that there can
6 be potentially felony implications in this, so
7 we don't say that to scare you. We're just
8 saying folks, understand this is serious. We
9 take it seriously. We have statutory
10 obligations to procedure. I understand that
11 one gentleman had a medical procedure today
12 and I received call, and asked would we
13 postpone it. I'm sorry, we couldn't because
14 it's set by statute. If I'm not mistaken, are
15 you Mr. Reid?

16 BY MR. REID:

17 Yes.

18 BY MR. WATSON:

19 And you're here. I'm sorry, Mr. Reid, I
20 understand you have medical ---

21 BY MR. REID:

22 I'm thankful for letting me come.

23 BY MR. WATSON:

24 I'm sorry that -- the statute sets the time
25 for the hearing and the challenges that we

1 have today.

2 BY MR. REID:

3 I understand.

4 BY MR. WATSON:

5 Anything as far as opening from Board members?

6 All right. We are going to proceed ---

7 BY MR. STRONG:

8 Mr. Chairman, would you permit me to just make
9 a brief statement?

10 BY MR. WATSON:

11 No sir, not at this time I will not.

12 BY MR. STRONG:

13 We just wanted to respond to some of the
14 concerns you expressed last time.

15 BY MR. WATSON:

16 No, sir. Folks, I appreciate, and I'm not
17 trying to be rude Mr. Strong. Let me also let
18 you know just kind of, I guess a housekeeping
19 matter. This is the day for canvass at the
20 elections. By statute we have to start
21 canvass at eleven o'clock, which gives us now
22 a little less than two hours to conduct these
23 11 challenge hearings. We're going to take
24 our time but I'm hoping we can do it before
25 eleven o'clock because if not, then we're

1 going to have to take a break until we can
2 finish canvass and then come back, and I don't
3 know what time that will be. So I don't think
4 any of you all are wanting to be hanging
5 around all day either. I'm not trying to be
6 rude, Mr. Strong. I know the things that we
7 have to do here this morning. Again this is a
8 hearing and we're going to move forward with
9 it. And we appreciate your understanding.
10 I'm going to call these really in no
11 particular order other than the pile they are
12 in my hands. So first Margaret Bouknight
13 Bauer. Ms. Bauer here? Representative for
14 Ms. Bauer? One more time, Margaret Bouknight
15 Bauer. I want to note for the record that
16 Ms. Bauer's husband was here at the first
17 hearing. He appeared personally. He had
18 testimony before the Board, and the Board
19 asked him a number of questions. There were
20 records from that hearing that would reflect
21 that Mr. Bauer testified under oath that he
22 and his wife have two homes in Montreat, and
23 they also have a home in Columbia. They have
24 a son I believe who's 13 years old, I think
25 was the testimony, 13, 14 years old, who is in

1 school in Columbia, South Carolina and they
2 plan to be there with him in school until he
3 graduates. He was specifically asked why is
4 your son not in school in Owen or some other
5 school in Buncombe County if you're claiming
6 that Montreat is your domicile. And his
7 response was to the effect that he's well
8 settled there and we intend to stay there. He
9 gave other testimony which this Board
10 ultimately concluded that he was not a -- his
11 domicile was not in Montreat. Now with
12 regards specifically to Ms. Bauer, two homes
13 as was noted at the first hearing with regards
14 to Mr. Bauer. Ms. Bauer has both homes listed
15 on vacation rental by owner and his listed
16 that "we live less than three hours away,"
17 which is her reference to Columbia. She also
18 states, "We consider Montreat to be our second
19 home." She has posted that she lives in
20 Columbia, South Carolina. During the flooding
21 in Columbia recently, she put pictures on the
22 Web and posted "this was in front of our house
23 today." She's had no prior voting history in
24 Montreat, or Buncombe County I should say.
25 She requests absentee ballots be mailed to her

1 Columbia, South Carolina, address. Buncombe
2 County property cards list her Columbia, South
3 Carolina, address as the address with the
4 register of deeds. It appears they are
5 getting the South Carolina primary home tax
6 rate of four percent as opposed to a second
7 home tax rate of six percent. They claim
8 South Carolina as their primary residence for
9 tax purposes. Any other information Board
10 members would like to note? Mr. Keller.

11 BY MR. KELLER:

12 No further questions.

13 BY MR. WATSON:

14 No questions, we'll go to the next file, next
15 Mary Miller Brueggemann. Ms. Brueggemann, if
16 you're more comfortable it's fine if you want
17 to stay at your seat.

18 BY MS. BRUEGGEMANN:

19 I would prefer to sit if I could.

20 (MARY MILLER BRUEGGEMANN SWORN)

21 BY MR. WATSON:

22 If you'll give us a moment, you submitted an
23 affidavit, give us a moment and we'll read
24 through that.

25 (OFF THE RECORD)

1 BY MR. STRONG:

2 Mr. Chairman, I do have a question.

3 BY MR. WATSON:

4 Mr. Strong, please, we're in the hearing and
5 taking testimony from Ms. Brueggemann.

6 BY MR. STRONG:

7 This is germane to Ms. Brueggemann.

8 BY MR. WATSON:

9 Ms. Brueggemann -- I'm taking testimony from
10 her if you'll let her speak and let us conduct
11 that, I appreciate it, sir. Ms. Brueggemann,
12 thank you for the affidavit. I do have a
13 couple of questions for you, and I'm sure
14 maybe some of the other Board members will as
15 well. I will let them begin if they would
16 like. Ms. Smith, do you have any questions?

17 BY MS. SMITH:

18 Do you claim the Givens Estate home?

19 BY MS. BRUEGGEMANN:

20 No, I have a rental house. I'm 80 years old.
21 I felt last winter that I was having trouble
22 in December when the snows came, and because
23 my twin brother lives there I rented a place.
24 But I applied even in 2009 for it not knowing
25 when I would have to move. My name came up

1 this August is when I read it. But most of
2 the time since August I've been back and forth
3 to Montreat. So basically have two homes. I
4 pay all the bills in both homes. That's
5 expensive but because of my age and my twin
6 brother and his wife, who had Alzheimer's,
7 I've done that. But Montreat is definitely my
8 home. I don't do -- I do not participate in
9 any activities in Montreat. I noticed that
10 you have the thing from the Highland, I'm sure
11 Tom Johnson gave you that, because you have to
12 do that. You have to be interviewed, and they
13 think it's all wonderful. I just don't go
14 there. All my activities are in Montreat as I
15 told you, I listed some.

16 BY MR. WATSON:

17 Ms. Brueggemann, let me see if I understand,
18 you said you don't do any of the activities in
19 Montreat ---

20 BY MS. BRUEGGEMANN:

21 No, I meant Highland. Did I say Montreat? My
22 bridge club is in Montreat ---

23 BY MR. WATSON:

24 That's fine, I just wanted to make sure that
25 you hadn't misspoken. And Ms. Smith just

1 asked about the Givens Estate. This is not
2 Givens Estate. You're at ---

3 BY MS. BRUEGGEMANN:

4 No, but Highland Farms is owned by Givens, so
5 I understood what she was saying. But it's
6 now called Givens Highland Farms. They bought
7 it. Givens is much further away.

8 BY MR. WATSON:

9 Highland Farms, you in one of the little
10 cluster homes ---

11 BY MS. BRUEGGEMANN:

12 Right. So I'm allowed seven meals in the
13 dining hall. I've yet to use those seven
14 meals. A month, excuse me. That means I
15 paid it so it's a bit of a problem.

16 BY MR. WATSON:

17 You can rent those homes?

18 BY MS. BRUEGGEMANN:

19 It is technically a rental home. They changed
20 that about two years ago. You used to buy
21 them, now you rent them. And I don't
22 understand the tax consequences, because I'm a
23 clergy person somebody's going to have to tell
24 me when tax time comes. But in the year 2015,
25 I have spent the majority of my time in

1 Montreat. It never occurred to me. You saw
2 my voter registration, where else would I
3 vote? Even if I thought otherwise, why would
4 I not vote in Montreat?

5 BY MR. WATSON:

6 I'll tell you it presents an interesting
7 question for the Board because, little bit of
8 education here, we're a very transient
9 society, and folks move, people move within
10 the county. They can move within the town.
11 I've moved from one side of Black Mountain to
12 the other side. Our office here, the law is
13 that one of the things we look at is where
14 does someone physically lay their head, and
15 that has been applied very literally. There
16 have been cases where a precinct line has run
17 through a house and the question comes down to
18 where is your bedroom; where do you sleep in
19 the house, which side of the line is that on.
20 If folks knew some of the minute questions we
21 have to sort out, you really wouldn't -- this
22 is not as clean as we would all like it to be.
23 So it presents an interesting question for us
24 because we understand that you have always
25 been in Montreat, many, many years in

1 Montreat, that's your home ---

2 BY MS. BRUEGGEMANN:

3 I moved there permanently in 2000 ---

4 BY MR. WATSON:

5 You have a long family history there ---

6 BY MS. BRUEGGEMANN:

7 Yes, I told you about my father buying it.

8 BY MR. WATSON:

9 And about the picture of you as a little girl.

10 BY MS. BRUEGGEMANN:

11 Right.

12 BY MR. WATSON:

13 So you have deep roots there and you moved
14 there, when did you say ---

15 BY MS. BRUEGGEMANN:

16 2013. And sold my other house in Decatur,
17 Georgia.

18 BY MR. WATSON:

19 But again it's an interesting question for us
20 because now it appears you may have moved
21 again. So where do you lay your head? That,
22 in and of itself, is not determinative either.
23 We have to look at the totality of the
24 circumstances, all the facts. So I want to
25 sort of recap what you've said, and I don't

1 want to put words in your mouth. I'm asking
2 you please correct me, add to or take away
3 anything I may misstate here. But is it your
4 testimony before the Board that you still
5 consider Montreat your permanent domicile ---

6 BY MS. BRUEGGEMANN:

7 Absolutely.

8 BY MR. WATSON:

9 --- that your place in Givens is a rental
10 which you go to ---

11 BY MS. BRUEGGEMANN:

12 I've spent the majority of 2015 in Montreat.
13 Most of the month of October I was in
14 Montreat. That doesn't mean I don't come and
15 go. The bedroom in Montreat is just like the
16 bedroom on Wagon Trail.

17 BY MR. WATSON:

18 Where did you spend last night?

19 BY MS. BRUEGGEMANN:

20 I spent last night at Wagon Trail. If that
21 was the requirement in the law, I would have
22 gone to Montreat. I actually spent the
23 afternoon in Montreat. I was cleaning house
24 in Montreat in spite of the rain.

25 BY MR. WATSON:

1 How about the night before?

2 BY MS. BRUEGGEMANN:

3 I spent it at Wagon Trail, but it does not say
4 that in the statutes. I would have gone up
5 there.

6 BY MR. WATSON:

7 We're not requiring that you spent last night
8 in Montreat. But really what we are looking
9 for is where are you spending most of your
10 time. Where are you sleeping?

11 BY MS. BRUEGGEMANN:

12 Most of this year was in Montreat. That
13 doesn't mean ---

14 BY MR. WATSON:

15 How about next year where do you intend ---

16 BY MS. BRUEGGEMANN:

17 I have not the slightest notion what I'm going
18 to do about next year. I've got to get
19 through the winter. I have steps in Montreat
20 that were very hard for me in the winter when
21 the snows came. And I said to myself, I'm not
22 sure, I'm alone. I've got Bay Alarm System;
23 do you know what that is?

24 BY MR. WATSON:

25 No.

1 BY MS. BRUEGGEMANN:

2 It's like Life Alert, because I was frightened
3 and I had my twin brother calling me every
4 morning to make sure I was okay. I have
5 severe arthritis so to go through the winter
6 in Montreat when it's snowing is very
7 dangerous. So that's one of the reason you
8 have to go Highland Farms when they take out,
9 and August was when they took me. But I went
10 back in September, went back in October. I
11 don't know how else to explain it to you.

12 BY MR. WATSON:

13 And I want to thank you for ---

14 BY MS. BRUEGGEMANN:

15 And let me also say, nobody ever said a word
16 to me about voting. I'm absolutely shocked
17 that this would even come up, because it's so
18 clear that I'm from Montreat. Now whether I
19 voted wrong I don't know.

20 BY MR. WATSON:

21 I don't want to know how you voted. And I
22 don't know that you could vote right or wrong,
23 you have to vote your conscience. But I
24 appreciate also, I want to say thank you for
25 the testimony that you've given us. They are

1 very helpful and instructive to the Board.
2 Those are the kinds of things that we tend to
3 look for. I have no other questions.

4 Mr. Keller, any questions?

5 BY MR. KELLER:

6 No, thank you.

7 BY MR. WATSON:

8 Ms. Smith?

9 BY MS. SMITH:

10 No, thank you.

11 BY MR. WATSON:

12 Mr. Strong, is there something you feel is
13 burning that needs to be added to this, or are
14 we good to move on?

15 BY MR. STRONG:

16 We'll move on now.

17 BY MR. WATSON:

18 Thank you, sir. Next in my file is Mr. Don
19 Reid. I think it was last Thursday I believe,
20 after the challenge had been filed on -- a day
21 or two after the challenges had been filed and
22 before we knew who the names were, challenges
23 came in they were received and we did not
24 receive the names -- I received a call from a
25 friend who is in town and we were chatting

1 about this that and the other, and there were
2 several things. I was actually standing in
3 line with another person to have lunch, so I
4 said I need to go, and he said before you do I
5 have one other thing I need to bend your ear
6 on. And he launched into something about the
7 hearings and mentioned the Reids particularly.
8 So I said you know -- I was asked at the time
9 could we put it off, Mr. Reid had a medical
10 matter. And I said sorry, I cannot because
11 it's statutorily set. I got off of that
12 conversation as quickly as I could. But
13 because of that, I'm going to recuse myself
14 from the hearings on the Reids because there
15 was a conversation that I got a little
16 ambushed with. I didn't invite it, didn't
17 know it was coming. It was at the opening
18 part of the conversation, but simply because
19 I've had a conversation about this outside of
20 this, and that's essentially I've told you the
21 essence of the conversation. But I don't even
22 want there to be any hint of any problems so
23 I'm going to let Mr. Keller and Ms. Smith at
24 least do the questioning on this and I will
25 refrain from voting on the Don Reid file.

1 (DON REID SWORN)

2 BY MR. WATSON:

3 If you have information you want to submit you
4 may submit it now.

5 BY MR. REID:

6 Lots of questions they want to ask, and you
7 have answered many of them for us. Primary
8 care physician is in Black Mountain. Members
9 of the racquet club, pharmacy in Black
10 Mountain, official pharmacy. You have a
11 business in Montreat; do you still have a
12 business in Charlotte, Don Reid Associates?

13 BY MR. REID:

14 I sold my business in 2005, and have
15 maintained the name Reid Associates. But I do
16 some work mostly free, my friends expect that.
17 So I do a lot of it, occasionally I've done a
18 little bit of work but not much.

19 BY MR. KELLER:

20 Receive mail both in Montreat and Charlotte,
21 Montreat safely post office box.

22 BY MR. REID:

23 Yes.

24 BY MR. KELLER:

25 Bank accounts in Black Mountain. Do you own a

1 dog?

2 BY MR. REID:

3 Not yet, my neighbors have.

4 BY MR. KELLER:

5 There are a lot more dogs, residential dogs
6 here from where we moved.

7 BY MR. REID:

8 They're better friends than my neighbors
9 sometimes.

10 BY MR. KELLER:

11 You've sought some advice from attorneys in
12 North Carolina about registering ---

13 BY MR. REID:

14 I have a good friend, Michael Dickerson who is
15 the Trena Parker of Charlotte Mecklenburg, and
16 I went to him. I was trying to prevent having
17 to put you through this or me through this, so
18 I did the best I could to try to make sure
19 that I was following the letter and the spirit
20 of the law. So I went to Michael and
21 presented all the stuff that I've given you.
22 And he told me that -- I know he's not the
23 authority, you are, but I did the best I could
24 to try to prevent -- I know you guys would
25 rather not be here, you'd rather be somewhere

1 else and so would I. So I was trying to
2 prevent that. And I obviously did not, but I
3 wanted you to know that I didn't take it
4 lightly. I also went to two attorneys in
5 Charlotte, good friends of mine who are
6 familiar with government. I know your work
7 because I was on the city council in Charlotte
8 for a year, so I'm very familiar with what you
9 do, appreciate what you do. I know the
10 difficulty of what you do, and also it's a
11 pretty thankless job. So I was trying to make
12 it easy for all of us, and I hope that this
13 information that I presented will prove that
14 we are residents here. Yes, we have a house
15 in Charlotte and I intend to keep one. We
16 probably will have a smaller house once I'm
17 able to sell the larger house, but you know,
18 it's hard to know where do you live. Well, I
19 lived in Montreat for four years but I haven't
20 really registered to live here. So I feel
21 that legitimately that I've done the best I
22 could to establish a residence and still
23 maintain my residence in Charlotte which I
24 enjoy. We have children there.

25 BY MR. KELLER:

1 I understand that. I do wish if I were king
2 for a day, define domicile, define residence,
3 define second home, which I think is a phrase
4 that doesn't make any sense. You have a home,
5 lots of houses but only one can be the
6 domicile and that's what we're looking for.

7 BY MR. REID:

8 I understand the difficulty.

9 BY MR. KELLER:

10 I appreciate the document, it answers most of
11 my questions. That's all I can think of.

12 Ms. Smith, what do you have for questions?

13 BY MS. SMITH:

14 Nothing, thank you.

15 BY MR. KELLER:

16 No further questions, thank you very much. Is
17 there anything further you'd like to add?

18 BY MR. REID:

19 No, this is all I have. On the record I want
20 you to know my friend came in his own
21 volition. I certainly had nothing to do -- I
22 didn't know who you were.

23 BY MR. WATSON:

24 I didn't think that you had. And also, on the
25 record since you're done testifying here, I do

1 want to correct one thing you said. There's
2 only one Trena Parker. Ms. Dale Reid, if
3 you'll come up. You have a separate challenge
4 so we will have to hear you separately. Is
5 there anything you wanted to add in addition
6 to what your husband's already stated?

7 BY MS. REID:

8 I don't think so. We went over everything and
9 we ---

10 BY MR. WATSON:

11 Hold on. There are a couple of questions, and
12 I need to put you under oath.

13 (DALE REID SWORN)

14 BY MR. KELLER:

15 The challenge says that you teach Sunday
16 School, which is wonderful, and teaches fourth
17 grade at Calvary Christian School.

18 BY MS. REID:

19 This was in the past. This is in our
20 directory for the board of trustees, it's a
21 bio for each person. And that was in the past
22 and then we changed it. I did that long ago.

23 BY MR. KELLER:

24 Other than that, I have no further questions.
25 Ms. Smith.

1 BY MS. SMITH:

2 I do not have any.

3 BY MR. KELLER:

4 I was burrowing into the Web site for the
5 church and I said, I guess I'll just ask
6 directly.

7 BY MR. WATSON:

8 Let me ask one question. Did you hear the
9 testimony of your husband earlier?

10 BY MS. REID:

11 Yes.

12 BY MR. WATSON:

13 Don Reid is your husband; correct?

14 BY MS. REID:

15 Yes.

16 BY MR. WATSON:

17 Did you hear his testimony?

18 BY MS. REID:

19 Yes.

20 BY MR. WATSON:

21 Do you affirm and agree with everything he
22 stated?

23 BY MS. REID:

24 Yes.

25 BY MR. WATSON:

1 Thank you very much.

2 BY MS. REID:

3 Thank you.

4 BY MR. WATSON:

5 Sean Barclay. Is Sean Barclay here? Is there
6 a representative for Sean Barclay? Sean
7 Barclay. Any representative for Sean Barclay.
8 Give us just a moment. Ms. Parker, have we
9 had any communication from Ms. Barclay?

10 BY MS. PARKER:

11 No, sir, no communication.

12 BY MR. WATSON:

13 Let the record reflect that Sean D. Barclay,
14 whose name was called a couple of times.
15 Ms. Barclay nor a representative for
16 Ms. Barclay has appeared. Voter registration
17 application lists the mailing address of Cary,
18 North Carolina. The absentee ballot request
19 is to be mailed to Cary, North Carolina.
20 Phone number listed on the application, voter
21 application, is a 919 Area Code, which is
22 believed to be the Area Code for that Wake
23 County area. Property cards for Sean Barclay
24 list Cary, North Carolina, as the address for
25 contact, register of deeds. Wake County

1 property card attached with the same Cary
2 address. There's a voter history showing
3 consistent voting in Wake County at least up
4 through 2004. There is information which
5 would indicate that Sean Barclay is employed
6 in the Raleigh area, Wake County area,
7 managing the Procom Services. Is Jennifer
8 Wick over there?

9 BY MS. WICK:

10 Yes, I am.

11 BY MR. WATSON:

12 Do you have any information regarding voting
13 in Buncombe or any -- Looking at an up-to-date
14 voter history for Sean D. Barclay, shows
15 voting from '94, consistently all the way
16 through to 2014. No one appearing for
17 Ms. Barclay no questions that can be asked on
18 voter information that can be considered by
19 the Board. Amy Warner Barclay? Amy Warner
20 Barclay. Is anyone here for Amy Warner
21 Barclay, any representative? The record will
22 reflect that Amy Warner Barclay was called,
23 she did not answer, no representative answered
24 on her behalf. The voter application has a
25 mailing address of Cary, North Carolina.

1 Phone number which appears to be -- it's a 919
2 Area Code which appears to be Wake County
3 phone number. Absentee ballot request
4 requested that the ballot be mailed to the
5 same address in Cary, North Carolina. That
6 was made October 13th of this year.
7 Registration was July 30th of this year. That
8 the property card of Buncombe County Register
9 of Deeds also has the same Cary, North
10 Carolina, address as the contact address.
11 That Wake County real estate card also
12 attached with the same, Cary, North Carolina.
13 Attached information that appears to be from a
14 LinkedIn site showing Amy Warner Barclay as a
15 recruiter for Procom Services in Raleigh-
16 Durham, North Carolina, area. Ms. Jennifer,
17 do you have anything else? All right. Voter
18 history for Amy Warner Barclay shows pretty
19 consistent voting history 1994 through 2014 in
20 Wake County. Also point of clarification that
21 I previously referenced Sean D. Barclay as
22 female. The voter profile has Sean Barclay
23 listed as female, registration has female
24 checked, but other information which may
25 indicate that in any event a male. This Board

1 doesn't know, but the registration we are
2 considering is Sean D. Barclay. Amy Warner
3 Barclay at the same address. No
4 representative appearing for Ms. Barclay or
5 her appearing. No questions can be asked of
6 voter information.

7 BY MR. KELLER:

8 Historical information they were married in
9 Montreat and they have three children.

10 BY MR. WATSON:

11 Ms. Parker, what's the last name of the lady
12 who contacted you this morning?

13 BY MS. PARKER:

14 Lyons.

15 BY MR. WATSON:

16 Next, Diane Hunter Boyd. Diane Hunter Boyd.
17 Any representative for Diane Hunter Boyd
18 appearing? Jennifer. With regard to Diane
19 Hunter Boyd, voter registration application
20 lists the previous voter registration in
21 Lincolnton, North Carolina, does list a
22 mailing address for a Montreat post office box
23 filed September 22, 2015. The absentee ballot
24 request requested the absentee ballot be
25 mailed to Lincolnton, North Carolina. That

1 the address on the Buncombe County Register of
2 Deeds for the Montreat property also lists
3 same PO box in Lincolnton, North Carolina.
4 That there's a Lincoln County property card
5 showing Lincolnton car repair. There is a
6 very consistent history both general and
7 primary elections from 1988 through 2015,
8 Ms. Boyd having voted in Lincoln County.
9 Ms. Boyd not appearing, no representative
10 appearing on her behalf, no questions or
11 information can be received.

12 BY MR. KELLER:

13 On voter registration application she listed
14 post office box in Montreat. But then sent
15 the application for an absentee ballot to
16 Lincolnton.

17 BY MR. WATSON:

18 Next is Daniel Marcus Boyd III. Daniel Marcus
19 Boyd III. Anyone here on behalf of Mr. Boyd?
20 No one answering. Record will reflect that
21 Mr. Daniel Marcus Boyd submitted voter
22 registration application September 22, 2015,
23 list a mailing address of post office box in
24 Montreat. Previous voter registration
25 Lincolnton, North Carolina. These addresses

1 appear to be the same as was in the Diane
2 Hunter Boyd file. That Mr. Boyd also
3 requested that his absentee ballot is sent to
4 a post office box in Lincolnton, North
5 Carolina. He made that request on October 5,
6 2015. The Buncombe County property card for
7 their property in Montreat lists the same PO
8 box that the absentee ballot was requested to
9 be mailed to, same PO box in Lincolnton, North
10 Carolina, as the address on the property card,
11 Buncombe County Register of Deeds. There's
12 also a Lincoln County property card attached
13 to the file showing property in Lincolnton,
14 North Carolina. Jennifer.

15 BY MR. KELLER:

16 Very consistent voting in Lincolnton.

17 BY MR. WATSON:

18 There's a voting history pretty consistent
19 from 1988 to 2015, Lincolnton, North Carolina.
20 Next will be Ann Laird Jones. Ms. Jones,
21 welcome.

22 (ANN LAIRD JONES SWORN)

23 BY MR. WATSON:

24 You sent us an affidavit, give us a moment.

25 (OFF THE RECORD)

1 BY MR. WATSON:

2 You said you preached on Sunday in
3 Mississippi?

4 BY MS. JONES:

5 I do.

6 BY MR. WATSON:

7 Where is that?

8 BY MS. JONES:

9 I preached in a little church out in the
10 country, the Union Church on Sunday. I preach
11 whenever anybody asks me to preach.

12 BY MR. WATSON:

13 Were you the pastor of that church?

14 BY MS. JONES:

15 No, I'm a member of St. Andrew Presbyterian,
16 which is the northern Mississippi ---

17 BY MR. WATSON:

18 Are you supplying that church?

19 BY MS. JONES:

20 I just supply -- I probably preach there about
21 five times a year ---

22 BY MR. WATSON:

23 They have you listed as a pastor ---

24 BY MS. JONES:

25 No, I'm listed as their supply pastor, and

1 I've been appointed to moderate their session.

2 BY MR. WATSON:

3 How often is the session?

4 BY MS. JONES:

5 Usually we meet in January and May, it's
6 whenever I can be -- when I can get back
7 there. Quarterly, January, May. This year we
8 met in October and then we'll probably meet
9 around Christmas.

10 BY MR. WATSON:

11 Ms. Jones, did you hear earlier the
12 explanation that we gave regarding domicile?

13 BY MS. JONES:

14 Yes, I did.

15 BY MR. WATSON:

16 Do you understand that?

17 BY MS. JONES:

18 I do.

19 BY MR. WATSON:

20 How long are you claiming that Montreat has
21 been your domicile?

22 BY MS. JONES:

23 As you can see from my narrative, I have been
24 working here really most of my adult life. I
25 had actually voted ---

1 BY MR. WATSON:

2 Can you give me a date? How long -- I'm not
3 tying you down to specifics, but can you tell
4 me approximately when you ---

5 BY MS. JONES:

6 I voted here '77, '78, lived here year round
7 and voted and worked. But I've been working
8 my current job as I specified here since 1993.

9 BY MR. WATSON:

10 What current job?

11 BY MS. JONES:

12 As the director of arts and ministry. But in
13 the last -- I guess 2011 it was made into a
14 year-round position. This year it has been
15 made -- we're working on developing more --
16 Montreat is about is planning for something
17 called St. John's Bible, which will be here
18 for a year starting next August. So I'm
19 working -- I've resigned from other jobs as I
20 mentioned, I've been a hospice chaplain, and
21 I've been state supplied in another little
22 church, which was every week. I resigned from
23 those two positions in August.

24 BY MR. WATSON:

25 Again if you can give me a year roughly. I

1 heard 2011, but I'm not sure. I don't want to
2 assume ---

3 BY MS. JONES:

4 Yeah. I heard you talking about how many --
5 you know, where do you put your head at night;
6 where do you lay down at night.

7 BY MR. WATSON:

8 That's one factor, that's not determinative.

9 BY MS. JONES:

10 2011 I started this new position as a year-
11 round arts ministry director at Montreat. I
12 work all the time on this, and I'm on call all
13 the time. But beginning this year I realized
14 that I've been here -- already have spent more
15 time in Montreat now working on this job in
16 terms of where I sleep, than I have been -- my
17 husband is in Greenville. That's one of the
18 draws of going back there. We own a house
19 there together. We have -- the reason we have
20 not sold that house is his mother is 99 and is
21 in her second year of stage four colon cancer,
22 and he is a primary care person for her. As
23 long as she is alive we cannot sell that
24 house.

25 BY MR. WATSON:

1 I hate to ask what's going to sound like a
2 cold and gruesome question, but when she is no
3 longer alive, what are your intentions
4 regarding ---

5 BY MS. JONES:

6 To sell that house and move ---

7 BY MR. WATSON:

8 Move here.

9 BY MS. JONES:

10 Yeah. We'll actually do like many married
11 people do and live in the same place.

12 BY MR. WATSON:

13 I'm glad you're at least going back to see
14 him.

15 BY MS. JONES:

16 We've been married 31 years and I've been a
17 minister 33 years. I don't think that's a --
18 I think that's a very fair question. Our
19 conversation every night is how are we going
20 to get all this stuff ---

21 BY MR. WATSON:

22 I'll say I have great admiration for her,
23 she's 99 and second year of colon cancer. She
24 must be a tough, tough lady.

25 BY MS. JONES:

1 She had surgery last Christmas and the doctor
2 said -- it was her first surgery since 1926
3 and the doctor said, you know, we don't
4 operate at that time 98, we don't operate on
5 98-year-olds.

6 BY MR. WATSON:

7 I'll ask this question I guess a third or
8 fourth time. Can you give me a year that you
9 would say you claim Montreat your domicile?

10 BY MS. JONES:

11 I think this year is the year that transition
12 was -- I mean my whole life has been working
13 here. My father directed -- this is what our
14 family -- our family works in Montreat. And
15 my mother started the craft shop in its
16 current guise, and I put pictures in there.
17 Did it for 15 years. This is just where our
18 family home has been. As ministers you don't
19 have a permanent place, and Montreat is your
20 place. I'm going to say this year is when the
21 tide really changed, and I was here more than
22 Greenville, but I've been working here year
23 round since 2011.

24 BY MR. WATSON:

25 That's where I'm going with that, and my

1 question is if Montreat has been what you
2 consider your home, your domicile for so many
3 years, certainly since 2011 it looks like, why
4 did you wait until October 7 of 2015 to
5 register to vote?

6 BY MS. JONES:

7 Because when I counted up the months, I looked
8 at the calendar and figured out that this year
9 had turned the tide. That I was here more.
10 And because of the work on the St. John's
11 Bible, which is going to require that I'm part
12 of the team, and we're working full time on
13 this.

14 BY MR. WATSON:

15 So expecting this year to pay North Carolina
16 income taxes?

17 BY MS. JONES:

18 I do pay them. I own a little piece of
19 property right now in Buncombe County.

20 BY MR. WATSON:

21 How many months then would you say North
22 Carolina's been your domicile? If you're
23 counting this year is when you said sort of
24 the tide was turned ---

25 BY MS. JONES:

1 So far six and a half.

2 BY MR. WATSON:

3 Where is your driver's license?

4 BY MS. JONES:

5 It's still Mississippi, but when I registered
6 to vote I read that you are required to get a
7 North Carolina driver's license, so that's on
8 my radar to do that.

9 BY MR. WATSON:

10 Any reason you haven't already?

11 BY MS. JONES:

12 Because I've been so busy driving around
13 visiting churches. I was in Bowling Green
14 last week and Sumner the week before that. So
15 that's on my radar, I am planning to do that.

16 BY MR. WATSON:

17 Where have you spent most of your time 30 days
18 prior to this election?

19 BY MS. JONES:

20 I've been in ---

21 BY MR. WATSON:

22 I don't mean travel, I'm talking about as far
23 as domicile. Either here or your Missouri
24 home ---

25 BY MS. JONES:

1 Mississippi.

2 BY MR. WATSON:

3 I mean Mississippi.

4 BY MS. JONES:

5 Well, I've been doing -- I've done two
6 retreats. I've been at three different
7 churches. I visited my mother in Kentucky. I
8 had a week in Greenville with my husband.

9 BY MR. WATSON:

10 When you do sleep, which sounds rare, where
11 for the 30 days prior did you spend most of
12 your nights?

13 BY MS. JONES:

14 It's a real mixture. It was Kentucky,
15 Mississippi. It's a mixture. I was really
16 literally traveling.

17 BY MR. WATSON:

18 Where do you plan to claim as your state of
19 residence for tax purposes with the IRS this
20 coming year?

21 BY MS. JONES:

22 I plan to claim North Carolina. My husband
23 will claim Mississippi.

24 BY MR. WATSON:

25 You don't file joint?

1 BY MS. JONES:

2 We do, so that will be a little complicated.
3 Because we do own our house together in
4 Mississippi. I don't own a house -- it's my
5 parents' house in Montreat.

6 BY MR. WATSON:

7 Do you have a forwarding order in place at the
8 Montreat post office?

9 BY MS. JONES:

10 I do not.

11 BY MR. WATSON:

12 Not forwarded to Mississippi?

13 BY MS. JONES:

14 No. In December I'm going to be gone for a
15 month, which I might do ---

16 BY MR. WATSON:

17 Currently?

18 BY MS. JONES:

19 No.

20 BY MR. WATSON:

21 So the absentee ballots that you requested,
22 you received those where?

23 BY MS. JONES:

24 Mississippi.

25 BY MR. WATSON:

1 So where did you actually receive the ballot?

2 BY MS. JONES:

3 I received it at 1130 Arnold Avenue in
4 Greenville.

5 BY MR. WATSON:

6 Ms. Jones, I'm just curious, in your
7 registration application -- I think you filed
8 two applications with the office?

9 BY MS. JONES:

10 The first one was apparently lost and Barbara
11 Johnson called me and said we need another.

12 BY MR. WATSON:

13 I've got one October 2nd and one October 9th.
14 The one October 2nd it appears you were
15 writing the Arnold Avenue address as your
16 mailing address, and scratched through that
17 and put a PO box in Montreat. And the one
18 October 9th when you do have a PO box in
19 Montreat ---

20 BY MS. JONES:

21 By then, by the -- she called and said we
22 can't find it, so I just wanted to make sure I
23 got it.

24 BY MR. WATSON:

25 I guess I'm just puzzled by you say you don't

1 have a forwarding address on the Montreat PO
2 box. You gave that as your mailing address.

3 BY MS. JONES:

4 I was here.

5 BY MR. WATSON:

6 But you requested on the same date that they
7 send your absentee voting information to a
8 Greenville, Mississippi, address, which
9 indicated that you're really more in
10 Greenville.

11 BY MS. JONES:

12 No, that indicates that I was traveling during
13 those weeks and had looked to see when I
14 needed to mail that to get to you all in time.

15 BY MR. WATSON:

16 So you were trying to forecast where you would
17 be ---

18 BY MS. JONES:

19 I was trying to forecast where I could land
20 and get that. One thing I mentioned in here
21 is we -- our house like many houses in
22 Montreat, by ministry families was not
23 winterized for a long time. One of the things
24 that has happened in the last two years is we
25 have done some remodeling so that it now has

1 some heat. So that's one of the reasons that
2 I was not able to be here in the winter.

3 BY MR. WATSON:

4 Is it winterized?

5 BY MS. JONES:

6 It has been, yeah. It is winterized.

7 BY MR. WATSON:

8 I'll tell you our first year of marriage we
9 rented a house in Montreat. It had heat but
10 no insulation. And I promise you I am not
11 exaggerating, my poor wife and I watched the
12 curtains stand out from the wall with the
13 wind. It had heater but it had no heat
14 because it was not winterized. Yours is
15 winterized.

16 BY MS. JONES:

17 When I lived here before -- when I lived in
18 our house till the end of November when it was
19 so cold you put on all your clothes and you
20 were still cold. So I rented a house from at
21 that time she was Charlotte Faucette and now
22 she's Charlotte Chestnut, but rented her house
23 on Quillan Lane, which had a wood stove but --
24 it was so cold. We now have heat, which will
25 mean that I will be able to be here.

1 BY MR. WATSON:

2 Any other questions? Anything else you'd like
3 to submit to the Board?

4 BY MS. JONES:

5 I just wanted to thank you for hearing me
6 today, and also to say that I take voting
7 really seriously. And also that my life in
8 Montreat, this is where I'll be.

9 BY MR. WATSON:

10 Far as voting in Mississippi, you have voter
11 registration there?

12 BY MS. JONES:

13 No, I understood that was it ---

14 BY MR. WATSON:

15 I understand why ---

16 BY MS. JONES:

17 On the form it has that you put Washington
18 County, Mississippi, so I assumed that was
19 taken care of.

20 BY MR. WATSON:

21 You need to notify them.

22 BY MS. JONES:

23 But I have not voted.

24 BY MR. WATSON:

25 Don't intend to vote?

1 BY MS. JONES:

2 I don't intend to vote. I'm not interested in
3 voting there.

4 BY MR. WATSON:

5 Your husband's getting here as soon as he can.

6 BY MS. JONES:

7 Yes. It's difficult, we don't want to urge
8 his mother on. People seem to live a long
9 time in Mississippi.

10 BY MR. WATSON:

11 Thank you. Next Douglas Laird Caulfield.

12 BY MS. PARKER:

13 There's really no challenge there because
14 Mr. Caulfield ballot was never returned.

15 BY MR. WATSON:

16 That ballot was not returned so we have no
17 ballot to consider. That leaves Patricia Ann
18 Lyons. Is there a representative here for
19 Ms. Lyons? Patricia Ann Lyons, any
20 representative for Ms. Lyons? We received a
21 call from Ms Lyons, indicated she may try to
22 get a representative. It approximately 10:20.
23 In that conversation did you indicate to
24 Ms. Lyons that we would be here till eleven?

25 BY MS. PARKER:

1 Probably, yes.

2 BY MR. WATSON:

3 She indicated that she may try to get someone
4 here?

5 BY MS. PARKER:

6 She had some friends and family that she was
7 going to try to contact to appear. My
8 impression when we hung up that she was going
9 to try her best to get someone to appear.

10 BY MR. WATSON:

11 We have to start canvass at eleven o'clock.
12 We are going to be at recess then till about
13 ten till eleven. At ten till eleven we will
14 resume, unless someone comes in and identifies
15 themselves, then please notify us and we'll call
16 the meeting immediately back to order.
17 Otherwise at about ten till eleven we'll see
18 if there's anyone here for Ms. Lyons. Then
19 we'll conclude if not, move to canvass.
20 Actually let's do it quarter till in case
21 someone appears, we want to be able to tend to
22 the ---

23 BY MS. PARKER:

24 That is a good idea, proposing another idea
25 which is you could go ahead and deal with the

1 ones that you've already ---

2 BY MR. WATSON:

3 We can do that. Yes, we can go ahead and do
4 that and then have only that one outstanding.

5 BY MS. PARKER:

6 This does have to be finished before canvass
7 because it determines whether or not we add
8 those ballots in the mix.

9 BY MR. WATSON:

10 As I'm thinking through this, we're going to
11 go ahead and consider Ms. Lyons if someone
12 appears, we'll reopen hers and consider any
13 new evidence they may have. Otherwise we'll
14 have that taken care of. What we'll do then
15 is about ten to eleven I will call again for
16 her or a representative, and we'll go ahead
17 and consider hers. Patricia Ann Lyons, no one
18 here appearing for her and she not appearing.
19 Ms. Parker, when you spoke with Ms. Lyons this
20 morning did she identify where she was at the
21 time she called you?

22 BY MS. PARKER:

23 Yes, she was in Texas.

24 BY MR. WATSON:

25 She stated she was in Texas. Did she make any

1 statements regarding her home in Montreat,
2 property in Montreat?

3 BY MS. PARKER:

4 She stated that she had -- her family had
5 owned a house for years in Montreat.

6 BY MR. WATSON:

7 Did she say anything about how often she's up
8 here?

9 BY MS. PARKER:

10 She said she spends summers and vacations in
11 Montreat.

12 BY MR. WATSON:

13 No one appearing for Ms. Lyons at this time,
14 we will recall her about quarter till eleven,
15 or if someone shows up for her. At this time,
16 we'll note for the file that her voter
17 registration application listed a mailing
18 address in Muldoon, Texas, filed October 4th;
19 that her absentee ballot request form asked
20 that the ballot be sent to the same address in
21 Muldoon, Texas. That property card for
22 Montreat property with Buncombe County
23 Register of Deeds lists the same address in
24 Muldoon, Texas. There's also attached
25 information which appears to be maybe a

1 property card from Texas regarding the
2 property there. It appears that they are also
3 claiming the homestead exemption in Texas.
4 Jennifer, is there anything you have over that
5 would be instructive for us?

6 BY JENNIFER:

7 I have the same thing that you have. No
8 voting history.

9 BY MR. WATSON:

10 She did call into the office, indicated that
11 she was in Texas, that she spent summers here
12 and some holidays. We'll hold that one, hold
13 a vote on that one till quarter till. As to
14 the others, first Mary Bouknight Bauer, call
15 for a vote on sustained or overruled. Just so
16 we're clear sustained is that the challenge is
17 sustained, that the voter is not qualified to
18 vote in Buncombe County so that ballot will
19 not be counted. Overruled is that the
20 challenge is not supportive of findings of the
21 Board and therefore the voter is deemed -- the
22 registrant is deemed a valid voter and their
23 ballot will be counted. Any questions on
24 that, sustained or overrules? Margaret Bauer,
25 Mr. Keller, sustained or overruled?

1 BY MR. KELLER:

2 Sustained.

3 BY MR. WATSON:

4 Ms. Smith?

5 BY MS. SMITH:

6 Sustained.

7 BY MR. WATSON:

8 Chair votes sustained as to Ms. Bauer. Mary
9 Miller Brueggemann. Mr. Keller, sustained or
10 overruled?

11 BY MR. KELLER:

12 Overruled.

13 BY MR. WATSON:

14 Ms. Smith?

15 BY MS. SMITH:

16 Sustained.

17 BY MR. WATSON:

18 Chair will overrule, challenge is overruled.

19 I'll call for the vote but I will not

20 participate in the vote for Don Reid.

21 Mr. Keller?

22 BY MR. KELLER:

23 Overruled.

24 BY MR. WATSON:

25 Ms. Smith?

1 BY MS. SMITH:

2 Overruled.

3 BY MR. WATSON:

4 Mr. Reid's challenge is overruled, ballot will
5 be counted. Dale Reid. Mr. Keller.

6 BY MR. KELLER:

7 Overruled.

8 BY MR. WATSON:

9 Ms. Smith.

10 BY MS. SMITH:

11 Overruled.

12 BY MR. WATSON:

13 Dale Reid's challenge is overruled, ballot
14 will be counted. Sean Barclay, no one
15 appeared for that. Mr. Keller.

16 BY MR. KELLER:

17 Sustained.

18 BY MR. WATSON:

19 Ms. Smith.

20 BY MS. SMITH:

21 Sustained.

22 BY MR. WATSON:

23 Chair sustained, Sean Barclay challenge is
24 sustained, that ballot will not be counted.
25 Amy Warner Barclay. Mr. Keller.

1 BY MR. KELLER:

2 Sustained.

3 BY MR. WATSON:

4 Ms. Smith.

5 BY MS. SMITH:

6 Sustained.

7 BY MR. WATSON:

8 Chair sustains, that challenge is sustained.

9 Diane Hunter Boyd. Mr. Keller.

10 BY MR. KELLER:

11 Sustained.

12 BY MR. WATSON:

13 Ms. Smith.

14 BY MS. SMITH:

15 Sustained.

16 BY MR. WATSON:

17 Chair sustains, challenge is sustained.

18 Daniel Marcus Boyd III. Mr. Keller.

19 BY MR. KELLER:

20 Sustained.

21 BY MR. WATSON:

22 Ms. Smith.

23 BY MS. SMITH:

24 Sustained.

25 BY MR. WATSON:

1 Chair sustains, that challenge is sustained.
2 Ann Laird Jones. Mr. Keller.

3 BY MR. KELLER:

4 Overruled.

5 BY MR. WATSON:

6 Mr. Keller, did I understand you to say Ann
7 Laird Jones overruled?

8 BY MR. KELLER:

9 Overruled.

10 BY MR. WATSON:

11 Ms. Smith.

12 BY MS. SMITH:

13 Sustained.

14 BY MR. WATSON:

15 Chair overrules, that challenge is overruled.
16 Douglas Laird, that ballot was not returned so
17 there is not an absentee ballot to consider on
18 that one. That leaves only Patricia Ann
19 Lyons, we'll hold the vote on that until a
20 quarter till. I believe that concludes this
21 hearing at this time as to those challenges.
22 And we have one matter remaining open for vote
23 or for receiving any additional evidence,
24 until quarter till. At this time we'll be in
25 recess until quarter till when we reconvene

1 unless someone comes in before then and
2 identifies themselves. Otherwise quarter till
3 we'll reconvene and vote on this one file ---

4 BY MS PARKER:

5 We should probably wait on her until eleven.

6 BY MR. WATSON:

7 Is that going to cause a problem with the
8 canvass?

9 BY MS. PARKER:

10 Not at all.

11 BY MR. WATSON:

12 About five till. It'll give us time to
13 receive any new evidence and still get a
14 canvass at eleven. We'll be in recess until
15 then.

16 (OFF THE RECORD)

17 BY MR. WATSON:

18 Meeting is back in order. Patricia Ann Lyons.
19 Patricia Ann Lyons. Is anyone here on behalf
20 of Ms. Lyons? Go ahead and consider the file
21 and information submitted on behalf of
22 Ms. Lyons. It is 10:57, no one appearing on
23 behalf of Ms. Lyons, Ms. Lyons personally not
24 appearing. Call for a vote in regards to the
25 challenge of Patricia Ann Lyons. Mr. Keller,

1 are you prepared to vote?

2 BY MR. KELLER:

3 I am indeed.

4 BY MR. WATSON:

5 What is your vote, sir?

6 BY MR. KELLER:

7 Sustained.

8 BY MR. WATSON:

9 Ms. Smith.

10 BY MS. SMITH:

11 Sustained.

12 BY MR. WATSON:

13 Chair sustains, Patricia Ann Lyons' challenge
14 is sustained. That ballot will not be
15 counted. That concludes all of the challenges
16 brought in this hearing on the challenges. It
17 is 10:58, by statute we start canvass at
18 eleven, so we have two minutes to get our
19 ducks in a row. Yes, sir, Mr. Standard.

20 BY MR. STANDARD:

21 You can answer or not answer. The challenges
22 officially just for the absentee ballots that
23 you ruled on, does anything have to happen
24 with the remaining registered part or don't
25 know?

1 BY MR. WATSON:

2 Our sustaining of the challenges based on the
3 evidence before this Board is that they are
4 not qualified to vote in North Carolina, or at
5 least in that precinct -- let me put it that
6 way. So yes, we will be looking at
7 registration. I think I want to look a little
8 more at the statute, maybe seek some guidance
9 form the State Board, the process of that.
10 But I think we will be looking ---

11 BY MR. STANDARD:

12 If we need to do anything.

13 BY MR. WATSON:

14 Thank you all for attending, appreciate those
15 that have brought challenges and those that
16 have taken time to appear and testify. Thank
17 you all very much. This hearing is completed.

18 (PROCEEDINGS IN THE ABOVE-ENTITLED MATTER WERE
19 ADJOURNED AT APPROXIMATELY 11:00 A.M.)
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CERTIFICATE

I, Barbie M. Lane, CCR, CVR-M, Court Reporter and Notary Public, do hereby certify that the foregoing 61 pages are an accurate transcript of the Hearing of the Buncombe County Board of Elections, taken by me and transcribed under my supervision.

I further certify that I am not financially interested in the outcome of this action, a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel.

This is the 23rd day of November, 2015.

Barbie M. Lane

BARBIE M. LANE, CCR, CVR-M

Notary Public No.: 19953050008

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